

BILL NO. R-93-11-21 AS AMENDED

RESOLUTION NO. R - 42 - 93

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, setting forth the policy of the City of Fort Wayne, Indiana, in regards to Residentially Distressed Areas.

WHEREAS, the Fort Wayne Common Council is committed to revitalizing central city neighborhoods; and

WHEREAS, persons who improve their property in the central city add to the quality of life for all Fort Wayne residents; and

WHEREAS, adequate infrastructure exists in many central city areas to support additional residential development; and

WHEREAS, residential development is not occurring in many central city areas, in part because of the burden of increased property taxes on such development; and

WHEREAS, the Common Council finds that certain central city neighborhoods are residentially distressed areas, in accordance with I.C. 6-1.1-12.1-2, as amended by the Indiana General Assembly in 1993;

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following areas meet the criteria at I.C. 6-1.1-12.1-2(c):

- A. The area bordered by State Boulevard, Griswold Drive, the St. Mary's River, the Norfolk & Western railway, the Grand Rapids and Indiana railway, Spring Street and Sherman Boulevard (hereinafter referred to as "the North Area" and graphically described on the attached map which is made a part of this resolution) and including properties on both sides of border streets or avenues;
- B. The area bordered by the Norfolk and Western railway, Kitch Street, McDonald Street, Edsall Avenue, Reynolds Street, Birchwood Avenue, Pontiac Street, Abbott Street, Rudisill Boulevard, Leith Street, Hoagland Avenue, Pontiac Street, Fairfield Avenue, Home Avenue, South Wayne Avenue, Cottage Avenue, Home Avenue, Thompson Avenue, the Norfolk & Western/Wabash

Division railway, Broadway, Taylor Street, Phenie Street, Swinney Avenue, Riedmiller Avenue, Wall Street, Nelson Street (including an imaginary line extending Nelson Street south of the Penn Central railway to Nelson Street north of said railway), Wayne Street, College Street, Berry Street, Rockhill Street, Main Street, Broadway, Penn Central railway, and Lafayette Street (hereinafter referred to as "the South Area" and graphically described on the attached map which is made a part of this resolution) and including properties on both sides of border streets or avenues; and

- C. The area bordered by the centerlines of Pettit Avenue, Calhoun Street, Paulding Road, and Fairfield Avenue (hereinafter referred to as "the Fairfield Terrance/Belmont Area" and graphically described on the attached map which is made a part of this resolution).

SECTION 2. Documentation of the criteria necessary for designation as a residentially distressed area is as follows:

- A. A significant number of dwelling units within the areas are not permanently occupied or a significant number of parcels in the area are vacant land:
1. North Area: 334 of 3,971 dwelling units (8.41 percent) are vacant, as described in the 1990 Census,
 2. South Area: 2,664 of 14,054 dwelling units (18.96 percent) are vacant, as described in the 1990 Census, and
 3. Fairfield Terrace/Belmont Area: 39 of 464 dwelling units (8.41 percent) are vacant, as described in the 1990 Census.
 4. The Common Council finds that the vacancy figures contained herein constitute a significant number in the meaning of I.C. 6-1.1-12.1-2(c).
- B. A significant number of dwelling units within the areas are the subject of an order issued under I.C. 36-7-9 or evidencing significant building deficiencies:
1. North Area: 85 current Neighborhood Code Enforcement cases which include those properties subject to an order under I.C. 36-7-9 and/or are evidencing significant building deficiencies.
 2. South Area: 638 current Neighborhood Code Enforcement cases which include those properties subject to an order under I.C. 36-7-9 and/or are evidencing significant building deficiencies.
 3. Fairfield Terrace/Belmont Area: 7 current Neighborhood Code Enforcement cases which include those properties subject to an

order under I.C. 36-7-9 and/or are evidencing significant building deficiencies.

C. The area has experienced a net loss in the number of dwelling units, or the area is owned by Indiana or the United States:

1. North Area: A net 189 dwelling units were lost between 1980 and 1990, as documented by the 1980 and 1990 Census;
2. South Area: A net 1,295 dwelling units were lost between 1980 and 1990, as documented by the 1980 and 1990 Census; and
3. Fairfield Terrace/Belmont Area: A net 10 dwelling units were lost between 1980 and 1990, as documented by the 1980 and 1990 Census.

D. The area (plus any areas previously designated) does not exceed ten percent (10%) of the total area with the Fort Wayne Common Council's jurisdiction:

1. North Area: 1.337 square miles
2. South Area: 4.849 square miles
3. Fairfield Terrace/Belmont Area: .192 square mile
4. As of the date of this resolution, the Fort Wayne corporate area is approximately 67.5 square miles. Ten percent of this number is 6.75 square miles. The total of the areas designated by this resolution is 6.378 square miles.

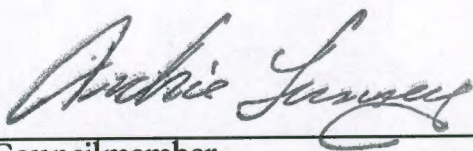
SECTION 3. That properties within the areas described herein be eligible for abatement of all real property taxes attributable to construction which occurs after the adoption of this resolution, as determined by the Allen County and Wayne Township Assessors as prescribed by law, for a period of five years with the exception of that portion of the North Area currently designated by the Federal Emergency Management Agency (FEMA) as the Floodway Fringe (often referred to as "floodplain") which shall be subject to Section 4 of this resolution.

SECTION 4. Those properties located in the Floodway Fringe shall not be eligible for property tax abatements under this resolution until such time as the City Engineer and the Director of Community and Economic Development make a written determination that the properties are protected by the Army Corps of Engineers' dike flood mitigation project.

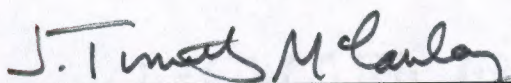
1 SECTION 5. This resolution shall not be interpreted to affect any other legal
2 or administrative regulations governing improvements to real property, including but
3 not limited to the Allen County Building Code, the Historic Preservation Ordinance
4 of the City of Fort Wayne, and the Zoning Ordinance of the City of Fort Wayne.

5 SECTION 6. That no deduction or abatement will be allowed under the terms
6 of this Resolution unless the dwelling is rehabilitated to meet the standards of the Allen
7 County Building Department, and that no deduction or abatement will be allowed if
8 the building is found to be in violation of the City's Safe Housing and Building
9 Standards Ordinance.
10

11 SECTION 7. That this Resolution shall be in full force and effect from and
12 after its passage and any and all necessary approval by the Mayor.
13

14
15 
16 Councilmember

17
18 APPROVED AS TO FORM AND LEGALITY

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20 
21 J. Timothy McCaulay, City Attorney
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Read the first time in full and on motion by Lunsey, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 11-23-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Lunsey, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>		<u>1</u>	
<u>BRADBURY</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>			<u>✓</u>	
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 12-14-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) ~~(GENERAL)~~ (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. R-62-93 on the 14th day of December, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1993, at the hour of 2:00 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17th day of December, 1993, at the hour of 3:40 o'clock P M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR



MEMORANDUM

TO: City Council Members

FROM: Karen Goldner, *KG* Community Development Projects
Administrator

DATE: November 23, 1993

SUBJECT: Residential Property Tax Abatement

Background

Q-93-11-21

During its 1993 session, the Indiana General Assembly passed legislation that gives local governments a second way to provide residential property tax abatement. As you know, the current method involves Council designating a property which meets certain criteria (including public ownership) as a "residentially distressed area," which qualifies that specific parcel for tax abatement. In addition to this mechanism, City Councils may now designate larger areas as "residentially distressed areas," which would allow for abatement of property taxes on privately owned properties. The abatement can only be granted on any increased assessed value (from construction), and would last for five years. The abatement would not affect the property taxes currently due. It would not result in any decrease of property taxes; it would simply delay by five years the increase due to a property owner's investment.

The advantage of this method is twofold. First, it allows the City to delay the penalizing effect of increased taxes when people make investments in the central city. Second, it provides a more expeditious method for granting residential tax abatements than if each house were required to come before City Council.

In the long term, the result will actually be an increased tax base, as assessed value is added to neighborhoods which are now experiencing decline.

Proposal

C&ED recommends the designation of three areas: one in the near northwest area, one south of downtown, and the Fairfield Terrace/Belmont neighborhood. Each of these areas meets the statutory criteria for designation: significant vacancy rate, a significant number of housing code violations, and net loss of housing units. In addition, the total of the areas does not exceed the statutory limit of 6.7 square miles (ten percent of the City's area). The details of these findings are contained in the text of the resolution.

You should note that Fort Wayne's area grows regularly through annexation, so the amount of area that can be designated will continue to increase. If Council wishes to designate additional areas in the future, it can do so simply by determining that the areas meet the statutory criteria and are within the ten percent limit (using the City's size at the time future designations occur). C&ED will evaluate other areas over time and may submit additional areas for your future consideration. In addition, the CD Projects Office would be pleased to work with you on any additional areas you may identify.

Floodplain Issues

The City's Zoning Ordinance generally prohibits significant expansion or new construction of buildings in the floodplain. Much of the northern area is within the floodplain. However, the residential portions of this area will be removed from the regulatory floodplain once the Army Corps of Engineers' flood mitigation project is completed.

The attached resolution takes this into account, by designating the area now and then providing for abatements to be granted on projects built after the area is safe from flooding. The Army Corps project for this area may be completed as early as 1996. .

Recommendation

Staff recommends that the City Council encourage reinvestment in central Fort Wayne by passing the proposed resolution.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Residential Property Tax Abatement

DEPARTMENT OF REQUESTING ORDINANCE C&ED

SYNOPSIS OF ORDINANCE Ordinance designates three residentially
distressed areas within Fort Wayne. Improvements to real property within
these areas would be allowed property tax abatement for five (5) years.

EFFECT OF PASSAGE Provide for property tax abatement for residential
construction in three areas.

EFFECT OF NON-PASSAGE Not allow for such abatement.

MONEY INVOLVED (Direct Cost, Expenditures, Savings) _____
Would defer receipt of property taxes attributable to new residential investment
for five years. However, the level of residential construction activity affecting
true tax/assessed value is extremely low. Tax abatement will encourage such
construction, providing for increased assessed value over the long term.

ASSIGNED TO COMMITTEE (J.N.) _____

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- B. The area bordered by the Norfolk and Western railway, Kitch Street, McDonald Street, Edsall Avenue, Reynolds Street, Birchwood Avenue, Pontiac Street, Abbott Street, Rudisill Boulevard, Leith Street, Hoagland Avenue, Pontiac Street, Fairfield Avenue, Home Avenue, South Wayne Avenue, Cottage Avenue, Home Avenue, Thompson Avenue, the Norfolk & Western/Wabash Division railway,

1 Broadway, Taylor Street, Phenie Street,
2 Swinney Avenue, Riedmiller Avenue, Wall
3 Street, Nelson Street (including an
4 imaginary line extending Nelson Street
5 south of the Penn Central railway to
6 Nelson Street north of said railway),
7 Wayne Street, College Street, Berry
8 Street, Rockhill Street, Main Street,
9 Broadway, Penn Central railway, and
10 Lafayette Street (hereinafter referred to
11 as "the South Area" and graphically
12 described on the attached map which is
13 made a part of this resolution) and
14 including properties on both sides of
15 border streets or avenues; and

16 C. The area bordered by the centerlines of
17 Pettit Avenue, Calhoun Street, Paulding
18 Road, and Fairfield Avenue (hereinafter
19 referred to as "the Fairfield
20 Terrance/Belmont Area" and graphically
21 described on the attached map which is
22 made a part of this resolution).

23 SECTION 2. Documentation of the criteria necessary for
24 designation as a residentially distressed area is as follows:

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26 the areas are not permanently occupied or a
27 significant number of parcels in the area are
28 vacant land:

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4. The Common Council finds that the vacancy
figures contained herein constitute a
significant number in the meaning of I.C. 6-
1.1-12.1-2(c).

5 B. A significant number of dwelling units within the
6 areas are the subject of an order issued under I.C.
7 36-7-9 or evidencing significant building
8 deficiencies:

- 9 1. North Area: 85 current Neighborhood Code
10 Enforcement cases which include those
11 properties subject to an order under I.C. 36-
12 7-9 and/or are evidencing significant building
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21 include those properties subject to an order
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1 C. The area has experienced a net loss in the number
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9 the 1980 and 1990 Census; and
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11 dwelling units were lost between 1980 and
12 1990, as documented by the 1980 and 1990
13 Census.

14 D. The area (plus any areas previously designated)
15 does not exceed ten percent (10%) of the total area
16 with the Fort Wayne Common Council's jurisdiction:

- 17 1. North Area: _____
18 2. South Area: _____
19 3. Fairfield Terrace/Belmont Area: _____
20 4. As of the date of this resolution, the Fort
21 Wayne corporate area is approximately 67.5
22 square miles. Ten percent of this number is
23 6.75 square miles. The total of the areas
24 designated by this resolution is _____.

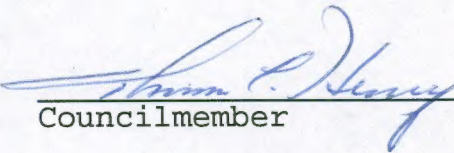
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29 Wayne Township Assessors as prescribed by law, for a period of
30 five years with the exception of that portion of the North
31 Area currently designated by the Federal Emergency Management
32 Agency (FEMA) as the Floodway Fringe (often referred to as
"floodplain") which shall be subject to Section 4 of this
resolution.

SECTION 4. Those properties located in the Floodway
Fringe shall not be eligible for property tax abatements under
this resolution until such time as the City Engineer and the
Director of Community and Economic Development make a written
determination that the properties are protected by the Army
Corps of Engineers' dike flood mitigation project.


SECTION 5. This resolution shall not be interpreted to
affect any other legal or administrative regulations governing
improvements to real property, including but not limited to
the Allen County Building Code, the Historic Preservation

Ordinance of the City of Fort Wayne, and the Zoning Ordinance
of the City of Fort Wayne.

SECTION 6. That this Resolution shall be in full force
and effect from and after its passage and any and all
necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY


J. Timothy McCaulay, City Attorney

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

NORTH

SOUTH

**FAIRFIELD TERRACE /
BELMONT**

**RESIDENTIALLY DISTRESSED AREAS
November 23, 1993**

Read the first time in full and on motion by Lunsey,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on Finance (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 11-23-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its passage.
PASSED ☐ LOST ☐ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_____	_____	_____	_____
BRADBURY	_____	_____	_____	_____
EDMONDS	_____	_____	_____	_____
GiaQUINTA	_____	_____	_____	_____
HENRY	_____	_____	_____	_____
LONG	_____	_____	_____	_____
LUNSEY	_____	_____	_____	_____
RAVINE	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	_____
TALARICO	_____	_____	_____	_____

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of December,
19 93, at the hour of 11:15 o'clock P M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. R-93-11-21 (as amended)

REPORT OF THE COMMITTEE ON
FINANCE

ARCHIE L. LUNSEY & DONALD J. SCHMIDT - CO-CHAIRPERSONS
HENRY, EDMONDS, LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) the Common Council of the
City of Fort Wayne, Indiana, setting forth the policy of the City of Fort
Wayne, Indiana, in regards to Residentially Distressed Areas

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC.

Clatus
Clatus R Edmonds

Donald J. Long

DATED: 12-14-93

Sandra E. Kennedy
City Clerk